



Kentucky Equal Justice Center  
455 South 4th Street, Suite 600  
Louisville, KY 40202

T: 502-333-6012  
F: 502-333-6012

October 7, 2016

DEPARTMENT OF HEALTH & HUMAN SERVICES  
Division of Medicaid Expansion Demonstrations  
Centers for Medicare & Medicaid Services  
7500 Security Boulevard  
Baltimore, Maryland 21244-1850

Re: Comments on Kentucky's 1115 Waiver Application

Dear Sir/Madam:

Thank you for the opportunity to comment on the Kentucky HEALTH proposal. Kentucky Equal Justice Center is a non-federally funded poverty law advocacy and research center. We work with multiple community partners on issues affecting low-income Kentuckians, including health and Medicaid.

Kentucky's Medicaid Expansion has resulted in almost 440,000 individuals gaining access to medical insurance, many for the first time. This expansion has already proven to be very successful – more individuals are getting check-ups and receiving ongoing treatment for chronic diseases, while emergency room rates have gone down. We are very proud of the success of our Medicaid Expansion, and are disheartened that our Governor is attempting to restrict access to care, rather than expand it.

The purpose of a Medicaid waiver is for a state to demonstrate that it can improve access to care, thereby improving the health of its citizens, by waiving certain Medicaid requirements. The goal of Governor Bevin's proposed Medicaid waiver is different – it is designed to save Kentucky money by making access to Medicaid harder to get and keep, and by putting in place barriers to eligibility and care that are not now present. Estimates are that there will be approximately 87,000 fewer individuals enrolled in Medicaid under the waiver Kentucky is proposing. This waiver would result in less coverage and more barriers for low-income workers, families and the most vulnerable Kentuckians. This plan threatens to undermine all of the progress and health gains we've made in the past two years as a result of Medicaid expansion. It would be a giant step backward for Kentucky.

The waiver would eliminate dental and vision coverage as part of the regular Medicaid plan. Instead, individuals would have to “earn” the right to these services by engaging in job training, volunteer service and/or health classes, as many as 20 hours a week. Poor dental hygiene, and the lack of regular dental check-ups and treatment can cause very serious medical problems to the rest of the body. It should not be considered as a

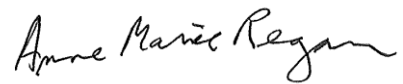
supplemental service available only to some. It is also extremely important to maximize good vision by getting regular check-ups and corrective lenses, in order to navigate daily activities and employment. Other medical conditions might also become evident through an eye exam. If the goal of Kentucky's waiver were really to improve access to care and to improve the health of covered individuals, these services would not be eliminated or restricted.

The waiver is designed to create barriers and to be punitive. Charging premiums and co-pays, as well as eliminating non-emergency medical transportation, will discourage people from seeking out necessary care. Those barriers could be counter-productive as they will likely lead to more emergency care and hospitalizations. The only solid evidence we have about the impact of premiums on low income individuals and families is that it decreases access to care. And the premium requirement comes with severe penalties. Instead of simply requiring able-bodied adults who get behind in making premium payments for 60 days to make up their payments to restore eligibility, they will lose coverage for up to 6 months. In 6 months' time, someone with a serious medical condition could regress very quickly without access to regular medical care. In addition, the waiver would eliminate automatic renewal which likely will result in some individuals losing care. The waiver also would eliminate the 90 day retroactive coverage provision. Retroactive coverage is critically important as some individuals might not even think to apply until they develop a serious condition or are hospitalized, and will have already incurred medical bills before they become eligible. All of these new rules in the waiver will result in decreased access to care and poor health outcomes.

The waiver proposal is particularly harsh towards able bodied individuals. The proposal is attempting to turn Medicaid in a jobs program, without creating any jobs. If we want to help people become more self-sufficient, we need to increase the minimum wage and grow better jobs in Kentucky, not create punitive rules requiring unpaid work activities. An individual needs to get as healthy and stay as healthy as possible in order to maximize their earning capacity. It is counter-productive to limit access to essential health coverage that could help Kentuckians become productive members of society. Ironically, this proposal assumes that low income Kentuckians aren't already engaged in their communities and contributing meaningfully to our economy. The fact is that more than half of Kentuckians eligible for expanded coverage are working. And the majority of those not working are students and caregivers.

It's alarming to hear that Governor Bevin has vowed to end Medicaid expansion if this waiver isn't approved. We need to remember that the purpose of this waiver is to demonstrate that Kentucky can provide better access and better care than we are already doing, and to improve the health of low income Kentuckians. Instead, this waiver will create barriers to care and place more burdens on low-income, working Kentuckians and on our most vulnerable citizens. This plan will penalize low-income workers. This waiver will not expand on Kentucky's successful Medicaid expansion and the tremendous health gains that have resulted from that expansion. Instead, the health of low-income Kentuckians will deteriorate. We ask that CMS reject provisions known to harm coverage, access and care—or deny Kentucky's waiver application in its entirety.

Sincerely,

A handwritten signature in black ink that reads "Anne Marie Regan". The script is cursive and fluid, with the first letters of each name being capitalized and prominent.

Anne Marie Regan  
Senior Staff Attorney  
Kentucky Equal Justice Center